EXCISE

(443)

SUMMARY OF INFORMATION
RELATING TO THE [redacted]

1. In calculating the compensation to be claimed in the U.S.S. Liberty death claims, allowance has been made for loss of support the decedent would have provided, loss of special services the decedent would have provided, and the shock and emotional anguish caused by the death.

2. The total compensation claimed in the thirty-four death cases is $2.8 million. Some individual claims are large: one is for more than $300,000; two are between $200,000 and $300,000; nine others are over $100,000. Loss of support is the major component of the large claims.

3. There are seventeen claims in which the decedent was unmarried, and was not supporting his parents or providing special services. [redacted] claim is one of these. The only element of compensation in these claims is emotional anguish, for which we are claiming $10,000 per parent.

4. $10,000 per person for emotional anguish is high by existing precedents. The international precedents are usually in the $5,000 range, though these are admittedly old precedents. On the domestic level, few state wrongful death statutes allow compensation for emotional anguish. Where such compensation is allowed, even the recent cases I have been able to find allow modest amounts, e.g. $10,000 or less, for emotional anguish.

5. [redacted] case, it is acknowledged that [redacted] was not providing support for his parents at the time of death. Mr. McWhorter urges, however, that

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the father will, because of ill health, predecease the mother, and that it would then have become necessary [redacted] to provide support to his mother. We have determined, however, that the father's estate will be a substantial one, capable of supporting the surviving mother at or above her present standard of living without assistance. [redacted] brief cites cases holding that a judgment in death cases may include an allowance for loss of future support where no support was being provided at the time of death, provided there was a "reasonable expectation" that such support would be provided. In the cases cited, however, the decedents were young children. In a rather hurried check, I have not found any case allowing for loss of future support where the decedent was mature, earning an income, and not providing present support. In the cases cited by [redacted] moreover, the judgments ranged from $16,000 to $20,000 - approximately what we would claim on behalf of [redacted]

6. [redacted] has urged that the U.S.S. Panay [redacted] claims would support a larger claim for the [redacted] We now have the U.S.S. Panay claim file. There were two U.S.S. Panay death claims. We claimed $12,000 for the widow of [redacted] and $3,000 for his crippled and dependent father. We claimed $10,000 for the mother of [redacted] These claims were for loss of support only; we did not claim for emotional anguish.

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